

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F45729)
F46246) **In re Jacob V., a Minor**

Parties stipulate that (1) Gomes, J., the absent assigned justice, participate in the determination of this appeal, and (2) Gomes, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Christopher Booth, Esq., counsel for appellant and by Susan Gill, Esq., Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Nickolas J. Dibiaso, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F43178)
F43603) **Roth et al. v. Rose**

Cause called and argued by Charity Kenyon, Esq., counsel for appellant Charles Rose and by Jay-Allen Eisen, Esq., counsel for respondent Michael Roth et al. and by Michael J. Hassen, Esq., counsel for respondent Washington Mutual Bank.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Dibiaso, J. to act as Presiding Justice in his absence, and leaves the bench.

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F043673 People v. Fitzgerald

Party stipulates that (1) Gomes, J., the absent assigned justice, participate in the determination of this appeal, and (2) Gomes, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Richard Doctoroff, Esq., counsel for appellant. Connie Proctor, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Tuesday, April 19, 2005 at 10:00 A.M.

F044492 City of Modesto v. National Med, Inc., et al.

Filed order granting request for publication of the opinion.

F044079 Todd, et al. v. The Insurance Corporation of New York

The judgment is reversed and the matter remanded to the superior court with directions to vacate the order filed June 26, 2003, and enter an order sustaining the demurrer with leave to amend. Each party shall bear its own costs on appeal. Dawson, J.

We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043790 People v. Stankewitz

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F043190 People v. Richter

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F043190 People v. Richter

The judgment is affirmed. Ardaiz, P.J.

We concur: Levy, J.; Gomes, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F043751 People v. David E.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F044984 Lucero, Jr. v. County of Kern et al.

The judgment is reversed. The trial court shall vacate its order denying plaintiff leave to amend and enter a new order granting Lucero leave to amend within 30 days. Each party shall bear its own costs. Wiseman, J.

We concur: Harris, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]